

Message

From: Laycock, Kelly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDF53496C8284A7D8153E0F312818DF1-LAYCOCK, KELLY]
Sent: 11/4/2020 7:58:28 PM
To: Beck, Whitney [beck.whitney@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]; McGill, Thomas [McGill.Thomas@epa.gov]
Subject: RE: Posting Draft BA in Docket?
Attachments: RE: Documents Regarding Florida 404 Assumption Application

Interesting. FYI a representative from Defenders of Wildlife is who requested a copy of the BA from us at the beginning of the comment period and we responded it would need to be FOIA'd. I've attached the email chain for reference.

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U.S. Environmental Protection Agency
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Atlanta GA, 30303
phone 404 562 9132

From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Wednesday, November 4, 2020 2:51 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Laycock, Kelly <Laycock.Kelly@epa.gov>
Subject: RE: Posting Draft BA in Docket?

The BA was produced by FL (with input from FWS), and presumably the organization got it from FL. It is strange that it has track changes.

The docket has already posted it (<https://www.regulations.gov/document?D=EPA-HQ-OW-2018-0640-0075>), so let me know if they need to temporarily take it down while you're investigating.

Thanks Simma!

CC'ing Kelly since he might have a similar question if he comes across the doc.

Best,
Whitney

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Wednesday, November 4, 2020 2:43 PM
To: Beck, Whitney <beck.whitney@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Posting Draft BA in Docket?

That's a good one. Presumably they got it from FL?

And remind me: is the BA technically the USFWS' product? Who is the drafter?

I think post it, but will double check with our information law experts.

Simma Kupchan

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From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Wednesday, November 4, 2020 2:12 PM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: Posting Draft BA in Docket?

Hi,

I have another question- sorry, I'm kind of new to docket posting rules. Defenders of Wildlife submitted as a comment a 5-page letter with the June 18th track changes version of the Biological Assessment tacked onto the end, which has DRAFT stamped all over it. If they get something from a FOIA or state records request, can that be posted to the docket? It's currently up and publicly available, but it struck me as potentially odd/ inappropriate.

Thank you!

Whitney

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